



BOSTON & MAINE CORPORATION
MAINE CENTRAL RAILROAD COMPANY
SPRINGFIELD TERMINAL RAILWAY COMPANY

IRON HORSE PARK
NO. BILLERICA, MASS. 01862

LAW DEPARTMENT
(978) 663-1029

August 6, 2004

United States Environmental Protection Agency **By Federal Express**
One Congress Street, Suite 1100 (SEW)
Boston, MA 02114-2023
Attn. Michele Barden, Permit Writer

Re: Alleged Violation of 33 U.S.C. § 1318(a)

Dear Ms. Barden:

On July 16, 2004, the Environmental Protection Agency ("EPA") sent an "Order For Compliance" (the "Order") by certified mail to the Boston and Maine Corporation (the "B&M"), apparently because EPA believes that the B&M is in violation of 33 U.S.C. § 1318 because the B&M requested additional information in relation to the scope and nature of a May 27, 2004 Information Request from the EPA. Disregarding the B&M's explanation that it needed at least some specific information on which to base its response to the Information Request, the EPA issued the Order, rather than simply providing the B&M with the information that it requested in good faith.

Notwithstanding the factual issues present in this matter—including whether or not the B&M is the owner or operator of a point source discharge—the EPA has failed to properly serve the B&M with the Order in accordance with the notice provisions of 33 U.S.C. § 1319(a), and, as a result, has never actually served the B&M with any "Order for Compliance". More particularly, any order issued pursuant to section 1319(a) shall be served upon the appropriate corporate officers and shall be served personally. 33 U.S.C. § 1319(a)(4),(5)(A). In this instance, the Order was served upon Mr. David Fink as President of the B&M by certified mail. Not only is this not personal service, but Mr. Fink is not the President of the B&M and is also not an officer of the B&M. Moreover, because EPA is alleging a violation of 33 U.S.C. 1318, even if the B&M was served properly, the order does not become effective—and consequently no response would be due—until the B&M has had an opportunity to confer with the Administrator concerning the alleged violation. 33 U.S.C. § 1319(a)(4). Instead of providing the B&M with this

opportunity, EPA asserts that the order became effective on the date of its receipt, which is also incorrect.¹

Although the B&M does not have any obligation to respond to a legally deficient order, while reserving its legal and equitable rights and remedies, the B&M is willing to voluntarily provide the EPA with the information that it has in its possession in response to the additional detail provided by EPA in its purported Order. Accordingly, please note the following:

1. For a description of all property currently owned, leased or controlled by the B&M within one mile of North Station in Boston, MA, please see the maps attached hereto as Exhibit A.
2. For a map depicting all of the property referred to in Question one, above, please see the maps attached hereto as Exhibit A.
3. For a description of all drainage features, including above ground and below ground conveyances on the property referred to in question one, please see the maps attached hereto as Exhibit A.
4. Please see the maps attached hereto as Exhibit A.
5. For a map indicating where rainfall from the property flows, please see the maps attached hereto as Exhibit B. As for where rainfall from the property discharges into existing drains or existing surface waters, please see the maps attached hereto as Exhibit A.
6. As for any controls in place with respect to any discharges from the property identified in Question one, please note that only stormwater is discharged from this property, and that this stormwater drains into a series of conveyances on property owned or controlled by entities other than the B&M, and ultimately flows into an oil/water separator on property owned by B&M but controlled and operated by the Massachusetts Bay Transportation Authority ("MBTA").
7. Stormwater discharges from the properties identified in Question one are not subject to any permits.
8. For a complete description and identification of all interconnections between B&M owned or operated conveyances and conveyances owned or operated by others, please see the maps attached hereto as Exhibit A.

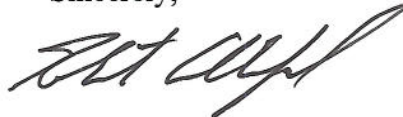
¹ Please also note that EPA changed the scope of the original information request—without notice or explanation—in the Order. More particularly, the original request sought information regarding property within one mile of the Boston Engine Terminal, while the attachment appended to the Order seeks information regarding property within one mile of North Station.

9. As for any documents creating obligations of the B&M to assure on-site or off-site drainage or to provide that other entities have drainage to the Millers or Charles River, please note the following:

- A. The 1944 Agreement appended to the order is no longer an accurate description of the status of the three 48" pipes referenced therein. Rather, upon information and belief, the B&M understands that one of these pipes was taken by the Metropolitan District Commission in the 1970's, that one pipe is now owned by the MBTA, and that the remaining pipe is no longer in service. While a diligent search of the B&M's records did not disclose documentation supporting this belief, a report by the Conservation Commission supports the B&M's belief that none of these three pipes is currently operational. Please see Exhibit C attached hereto.
- B. The B&M also understands that by an agreement and/or administrative order, the MBTA controls and operates the oil/water separator system located on B&M property and referenced above. Again, a diligent search of the B&M's records failed to disclose any such agreement and/or administrative order, but the B&M can confirm that the MBTA has functional and operational responsibility for this system.
- C. The B&M should also point out that the majority of the B&M property in which EPA has shown an interest is the subject of a proposed development for commercial/residential uses. As a result, and as partially described in the attached Exhibit C, the existing drainage system for this area will be subject to significant change to support this new use within the relatively near future.

I trust that this information is sufficient to provide EPA with the information that it seeks, and if it is not, that EPA will enter into a constructive and productive dialogue with the B&M to identify any additional relevant information. Please feel free to contact me if you would like to discuss this matter further.

Sincerely,



Robert B. Culliford
Corporate Counsel

cc: Madelyn Morris
Massachusetts Department of Environmental Protection
One Winter Street
Boston, MA

EXHIBIT A

EXHIBIT B

EXHIBIT C



CITY OF SOMERVILLE, MASSACHUSETTS
SOMERVILLE CONSERVATION COMMISSION

DOROTHY A. KELLY GAY
MAYOR

RECEIVED

June 7, 2002

JUN 7 2002

MEPA

Bob Durand, Secretary
Executive Office of Environmental Affairs
Attention: LeAndrea Dames, MEPA Office
251 Causeway Street, Suite 900
Boston, MA 02114

R.E.: North Point DEIR, EOE No. 12650

Dear Secretary Durand:

While the Somerville Conservation Commission endorses the dense development on urban brownfield sites as an alternative to urban sprawl, a major environmental issue remains to be addressed by the proponent before this project should be permitted.

Presently, the entirety of the historic Millers River/Creek and mudflats area does not have effective drainage. This problem must be addressed before this parcel's development is approved. Shortly after the almost one square mile of these mudflats were given to the B&M Railroad, they were subsequently filled.

The present project proponent is the legal successor to B&M Railroad and thus inherits the responsibilities incurred in two agreements dating from 1944 and 1962. These agreements commit the rail company to provide functional drain systems to compensate for the lost drainage capacity of the filled waterways.

A copy of the 1944 agreement allowed the railroad to replace three 54" pipes with three 48" pipes, while specifically stating that all current and future drainage needs by the City of Somerville, through the rail yards to the Millers River, could and would be accommodated. Currently, these three specific pipes are not functioning.

This proposed development is located on a section of Millers River which was filled in 1963 after a state license to fill was issued on December 4, 1962. The 1962 license specifically required the railroad to maintain the drainage capacity lost by filling the river. The project proponent proposes to drain only the project site via a new 7' pipe to the Charles River, however, and neglects to address collection of the drainage that originally went through this section of the Millers River. The proponent's neglect has had significant impacts on drainage issues in Somerville along the Mystic River and Alewife Brook. Flooding, especially in East Somerville, is a common occurrence. With no functional storm drainage for the entire rail yard, storm water flows overland until it can reach the combined sewer system. This vast amount of water overloads the MWRA main collection system and causes backups which result in raw sewage overflows to the Charles River, Mystic River, and numerous basements. Indirectly, effects range as far as the Alewife Brook, relayed by the Cambridge Combined Sewer Overflow (CSO) project, and up the Little River to Belmont.

Somerville City Engineer Thom Donahue stated at a Wastewater Advisory Committee (WAC) to the MWRA meeting last year, that additional drainage to the Charles River equivalent to a 12' pipe was needed just to reach a level of service adequate to cope with a two-year storm event. In a recent personal communication, Mr. Donahue stated that Somerville CSO SOM010 to the Millers River via the rail yards was closed because all the flow in that pipe seemed to be reversed. That is, the CSO was simply providing a route for railroad drainage to enter the sewers. Several maps were presented at that meeting. These maps showed clusters of known flooding sites surrounding the proposed project site.

Cambridge's City Engineer, Owen O'Riordan, made an extensive argument at an April 2002 special Cambridge City Council meeting on sewers and stormdrains, that many homes in East Cambridge experience basement backups from the sewer system. He stated that backups through the MWRA trunk line caused by severe capacity problems centered in East Somerville were the underlying cause. These backups also cause overflows at CSO CAM017. Metering by Cambridge shows this CSO is the largest annual source of untreated sewage to the Charles River from Cambridge.

Two Somerville CSOs on the Mystic River near the Amelia Earhart Dam are also heavily affected by the MWRA capacity loss due to this inflow from the rail yard. These are the last remaining active CSOs on the Mystic River! The effects from this capacity issue are easily traced upstream in the MWRA system to the Alewife Pump Station. This pump station chokes back its pumps approximately twice a year due to capacity limits in the downstream pipes. This directly affects amounts of raw sewage entering Alewife Brook from CSOs in Somerville and Cambridge.

Please address this basic maintenance shortcoming in your environmental impact report.

Another concern of the Somerville Conservation Commission is Somerville's lack of open space. Accordingly, the Commission was pleased that the North Point Land Co. is proposing to create open space in Somerville by designating the western-most portion of the project site "Green Space." See DEIR, Figure 2.3, *Public Realm*. The Commission, however,



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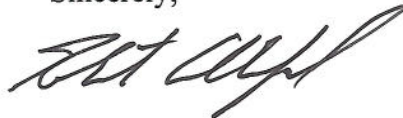
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Corporate Counsel

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Please address this basic maintenance shortcoming in your environmental impact report.

Another concern of the Somerville Conservation Commission is Somerville's lack of open space. Accordingly, the Commission was pleased that the North Point Land Co. is proposing to create open space in Somerville by designating the western-most portion of the project site "Green Space." See DEIR, Figure 2.3, *Public Realm*. The Commission, however,

asks that North Point, in its Final EIR, provide more information about this particular parcel, which lies predominantly in Somerville.

It is clear that a bicycle path is proposed through this western parcel, and the Commission believes that this is an acceptable use of open space. North Point, in its DEIR at Section 1.9.3, however, also indicates that the project site will provide a corridor for the Green Line extension to Red Bridge and beyond, and it appears that this corridor will encroach upon a portion of the proposed western green space represented in Figure 2.3. The Commission is concerned that this rail corridor will significantly reduce the quality and quantity of green space at the western parcel.

North Point, in its DEIR at Section 1.11.8, *Hazardous and Solid Waste*, also indicates that there are eight contaminated sites within the proposed project's boundaries that have been reported to the Department of Environmental Protection. The Commission is concerned that some of these contaminated sites may lie in the western green space parcel. Hazardous contaminants, if present, would affect the quality of the green space. The DEIR does not identify the location of these contaminated sites.

The Commission is also concerned that the creation of a quality green space on the western parcel will be significantly delayed. In DEIR Section 1.8, *Phasing*, North Point represents that the project will be developed from east to west, and that development will occur over a period of 15 years. Obviously, the Commission would prefer that the development of open space occur sooner rather than later, and would like to see North Point prioritize the development of green space.

If you have any questions, please contact me. Thank you for your consideration.

Sincerely,



John R. Reinhardt for the
Somerville Conservation Commission
25A Cherry Street
Somerville, Massachusetts 02144
(617) 666-1751

13.0 CITY OF SOMERVILLE CONSERVATION COMMISSION JUNE 7, 2002

13.1 *The inadequate drainage on the historic Millers River/Creek must be addressed before the parcel's development is approved.*

As noted by the Somerville Conservation Commission, a system of stormwater drainage pipes was installed many years ago along the northerly side of the former location of the Miller's River, at the time of the filling of the Miller's River. That system of stormwater pipes is not owned by the proponent and the majority of it is not located on within the Project site boundaries (indeed, it is primarily located on land no longer owned by the Boston & Maine Railroad) and it will not be utilized for any stormwater drainage from the Project site.

Instead, a new 72" stormwater pipe discharging to the Charles River will be constructed prior to any building occupancy at the North Point site to accommodate all North Point site runoff, as well as all several other parcels of land north of O'Brien Highway per the direction of the City of Cambridge. This will result in a decrease in runoff to the existing system.

The proponent has met with City of Somerville Conservation Commission staff, as well as the City Engineer, to discuss the existing system and plans for the North Point development and they have indicated an understanding of the system as described above and that the proponent is not responsible for the maintenance and functioning of the existing drainage systems.

13.2 *The proponent is the legal successor to the B&M Railroad and thus inherits the two agreements from 1944 and 1962 that requires the rail company to provide functional drainage systems to compensate for the lost drainage of the filled mudflats.*

See Response to comment 13.1.

13.3 *The basic shortcomings of the proposed drainage should be addressed in the FEIR.*

The proponent has been working with the cities of Cambridge and Somerville to evaluate the proposed drainage for the project site. Chapter 6, Infrastructure, presents an updated discussion of drainage.

13.4 *The FEIR should provide more information about the western-most portion of the site that lies predominately in Somerville.*

The western-most portion of the site will be open space and represents an important connection to the extension of the bike path. The actual design and layout of the space will be developed in conjunction with the City of Somerville during the permitting process.

- 13.5** *The Commission is concerned that the corridor for the Green Line Extension to Red Bridge will significantly reduce the quality and quantity of green space at the western parcel.*

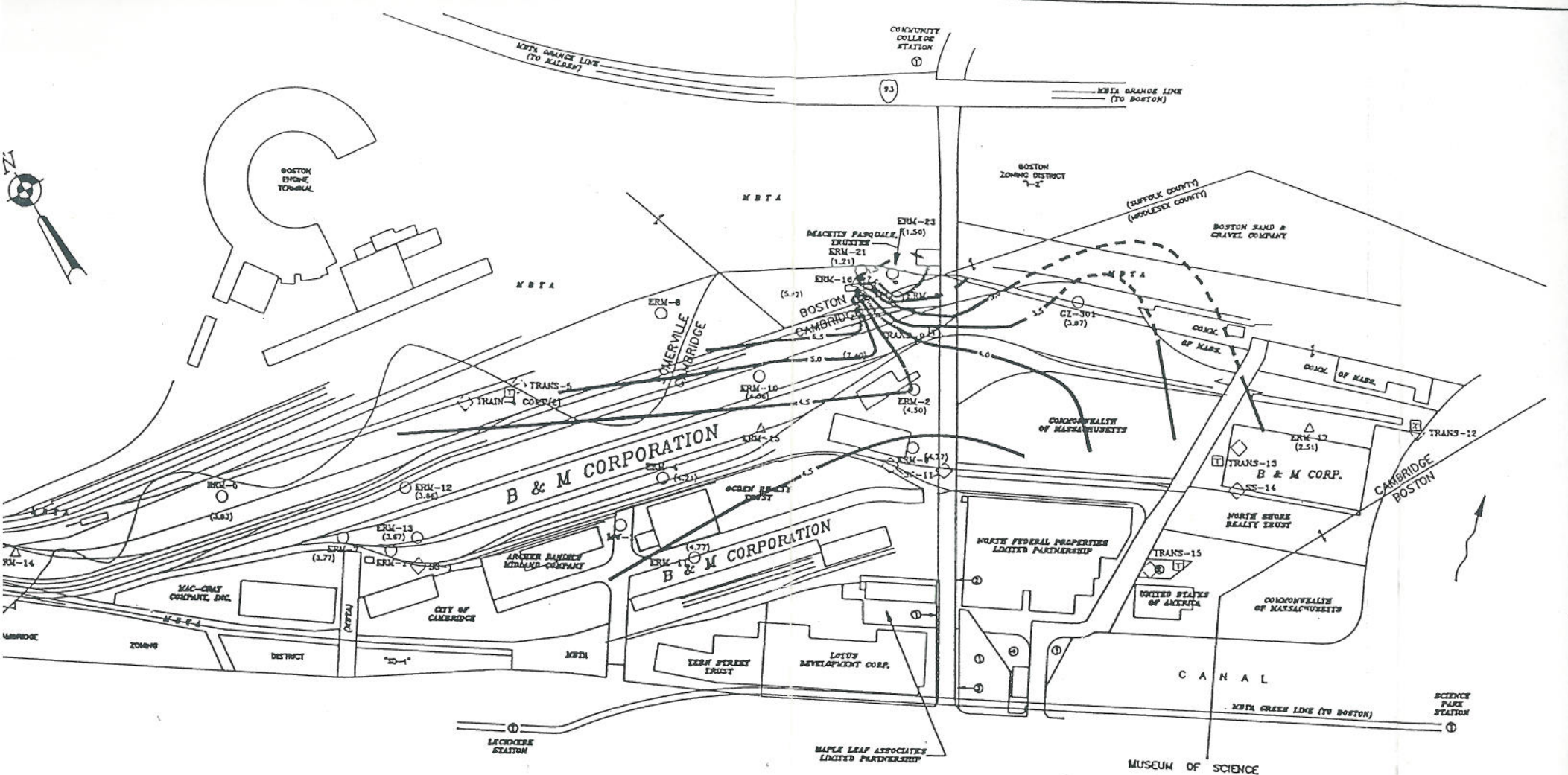
The western-most portion of the site will be open space and represents an important connection to the extension of the bike path. The actual design and layout of the space will be developed in conjunction with the City of Somerville during the permitting process.

- 13.6** *The DEIR does not identify the location of the eight contaminated sites reported to the MA DEP.*

A figure showing the locations of the eight contaminated sites will be provided to the cities of Cambridge, Boston, and Somerville as part of the local design review process if required.

- 13.7** *The Commission would like to see the open space developed sooner rather than later in the phasing of the project.*

Phasing is discussed in Chapter 2, Project Description.



BOSTON & MAINE CORPORATION PARCELS BOSTON, CAMBRIDGE AND SOMERVILLE, MASSACHUSETTS

ERM-New England, Inc.			
Boston, Massachusetts 02114 - (617) 742-8228			
CLIENT NAME : B&M CORPORATION	DRAWN BY: KCW	DATE: 8/17	FIGURE
FILE NAME: GRFM_SB	SCALE: AS SHOWN	PROJ: 325	3A
B&M NORTH STATION			
GROUNDWATER FLOW MAP (AUGUST 1995)			
PROJECT MGR: AUP	TOM RAY, INC.		

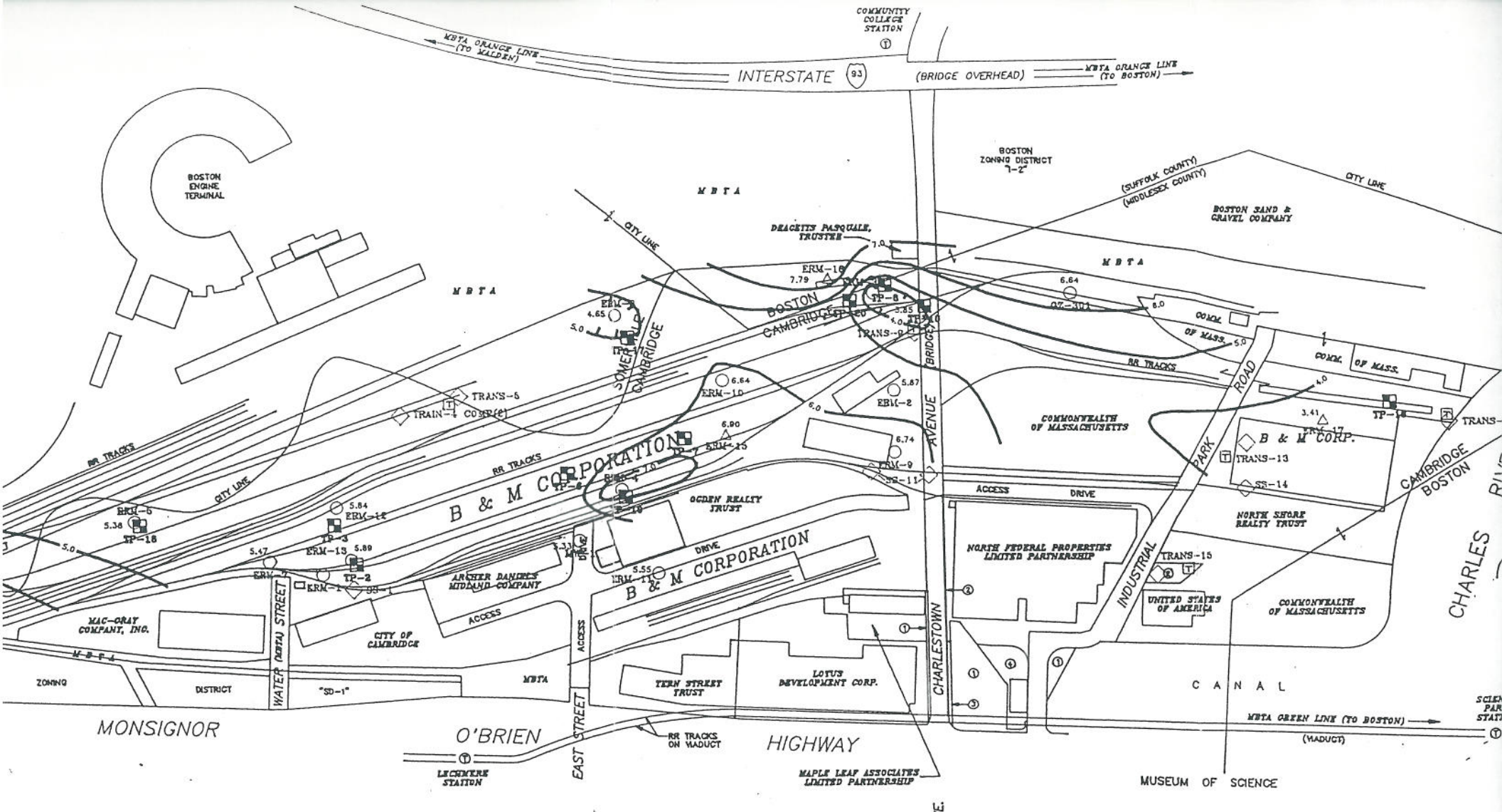
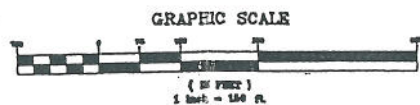


TABLE OF OWNERS

- ① COMMONWEALTH OF MASSACHUSETTS
- ② BOSTON & MAINE CORPORATION
- ③ KARI REALTY TRUST
- ④ SEMEN REALTY TRUST (ALTD)



- NOTE:
1. CONTOUR INTERVAL= 1.0 FEET
 2. ALL WELLS SURVEYED RELATIVE ASSUMED DATUM.

ERM-New Engl	
Boston, Massachusetts 02114 - (
CLIENT NAME : B&M CORPORATION	DRAWN
FILE NAME: GRFM_5	SCALE
B&M NORTH STATION	

BOSTON & MAINE CORPORATION PARCELS



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
ONE CONGRESS STREET
SUITE 1100, SEW
BOSTON, MASSACHUSETTS 02114-2023

Certified Mail, Return Receipt Requested

June 22, 2004

Andrew Brennan
Director of Environmental Affairs
Massachusetts Bay Transportation Authority
10 Park Plaza
Boston, MA 02116-3974

Kevin Lydon, General Manager
Massachusetts Bay Commuter Railroad Corporation
32 Cobble Hill Road, Suite 3
Somerville, MA 02143-4431

Re: In the Matter of MBTA and MBCR Docket No. 04-17

Dear Messrs. Brennan and Lydon:

Enclosed is an Administrative Order which the U.S. Environmental Protection Agency ("EPA") is issuing under Section 309(a)(3) of the Clean Water Act, 33 U.S.C. §1319(a)(3) to the Massachusetts Bay Transportation Authority and the Massachusetts Bay Commuter Railroad Corporation. This Order is being issued as a result of our determination that your organizations have violated certain provisions of the Clean Water Act (the "Act"). Specifically, the Administrative Order alleges that you have failed to respond to a December 24, 2004 information request issued by EPA pursuant to Section 308(a) of the Clean Water Act (the "Act"), 33 U.S.C. §1318(a).

The enclosed Order requires you to submit to EPA within ninety days a complete response to the December 24, 2004 Information Request. Failure to submit the information within that time may subject MBTA and MBCR to an EPA administrative action for penalties or referral of this matter to the Department of Justice for additional relief.

If you have any questions, please contact Michelle Barden at (617) 918-1539, or have your attorney contact Attorney William Walsh-Rogalski at (617) 918-1035.

Sincerely,

San Silverman, acting for

Stephen S. Perkins, Director
Office of Environmental Stewardship

Enclosure

cc: Karen McGuire, EPA
Madelyn Morris, MA DEP
Andrew Brennan, Massachusetts Bay Transportation Authority

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I**

IN THE MATTER OF:)

Massachusetts Bay Transportation Authority))
Ten Park Plaza)
Boston, MA 01571)

Massachusetts Bay Commuter Railroad Co.)
32 Cobble Hill Road)
Somerville, MA 02143-4431)

Proceedings under Section 309(a)(3))
of the Clean Water Act, as amended,)
33 U.S.C. § 1319(a)(3))

DOCKET NO. 04-17

FINDINGS OF VIOLATION

AND

ORDER FOR COMPLIANCE

I. STATUTORY AUTHORITY

The following findings are made and ORDER issued pursuant to Section 309(a)(3) of the Clean Water Act, as amended (the "Act"), 33 U.S.C. § 1319(a)(3), which grants to the Administrator of the U.S. Environmental Protection Agency ("EPA") the authority to issue orders requiring persons to comply with Sections 301, 302, 306, 307, 308, 318 and 405 of the Act and any permit condition or limitation implementing any of such sections in a National Pollutant Discharge Elimination System ("NPDES") permit issued under Section 402 of the Act, 33 U.S.C. § 1342. This authority has been delegated to the Regional Administrator of Region I, and has in turn been delegated to the Director of the Office of Environmental Stewardship (the "Director of OES").

The Order herein is based on findings of violation of Section 308(a) of the Act, 33 U.S.C. § 1318(a) and 40 C.F.R. § 122.33. Pursuant to Section 309(a)(5)(A) of the Act, 33 U.S.C. § 1319(a)(5)(A), the Order provides a schedule for compliance which the Director of OES has determined to be reasonable.

II. FINDINGS

The Director of OES makes the following findings of fact:

1. The Massachusetts Bay Transportation Authority ("MBTA") and the Massachusetts Bay Commuter Railroad Company ("MBCR") are each a person, as defined in Section 502(5) of the Act, 33 U.S.C. § 1362(5).
2. The MBTA and MBCR (collectively, the "Respondents") are the owner and/or operator of a point source as defined in Section 502(14) of the Act, 33 U.S.C. § 1362(14).
3. On June 24, 2003, EPA requested that Respondents submit an NPDES application with specified information to EPA within sixty days, that is by August 24, 2003.
4. On August 21, 2003, Respondents requested an extension to the sixty day deadline. No extension to the deadline was granted.
5. On December 22, 2003, the Director of the Office of Ecosystem Protection of EPA, Region I (the "Director of OEP") issued a Request for Information to MBTA and MBCR pursuant to the authority given to the Administrator of EPA by Section 308 of the Act, 33 U.S.C. § 1318. This authority has been delegated to the Regional Administrator of Region I, who has in turn has delegated the authority to the Director of OEP. The purpose of this request was to secure the information necessary to issue the above-mentioned permit.
5. MBTA and MBCR received EPA's request pursuant to Section 308 on December 24, 2003. The Respondents were required to submit a response to this request within ninety days, that is by March 24, 2004.
6. On March 19, 2004, MBTA and MBCR provided EPA with a partial response to the Information Request and asked for an extension of six months to provide a complete

response to the Information Request. EPA did not grant any extension beyond March 24, 2004.

7. As of the date of issuance of this Order, MBTA and MBCR have not provided EPA with a complete response to its December 22, 2003 Section 308 Information Request.
8. EPA finds that the failure of MBTA and MBCR to submit a complete response to the Information Request is a violation of Section 308(a) of the Act, 33 U.S.C. § 1318(a).

III. ORDER

Based on the foregoing findings, it is hereby ORDERED that:

9. Within 90 calendar days of MBTA and MBCR's receipt of this Order, the MBTA and MBCR shall furnish to EPA a complete response to the Information Request of December 22, 2003.
10. The requirements of and liability under this order are joint and several. MBTA and MBCR shall submit a complete joint response or, alternatively, shall provide complete individual responses if they are unable to coordinate the submission of a complete joint response.

IV. NOTIFICATION PROCEDURES

11. Submissions required by this Order shall be in writing and should be mailed to the following addresses:

U.S. Environmental Protection Agency
1 Congress Street,
Suite 1100, (SEW)
Boston, MA 02114 - 2023
Attn: Michele Barden, Permit Writer
Telephone No. (617) 918-1539

with a copy to



BOSTON & MAINE CORPORATION
MAINE CENTRAL RAILROAD COMPANY
SPRINGFIELD TERMINAL RAILWAY COMPANY

IRON HORSE PARK
NO. BILLERICA, MASS. 01862

LAW DEPARTMENT
(978) 663-1029

June 14, 2004

Ms. Michele Barden, CPE
Office of Ecosystem Protection
United States Environmental Protection Agency
Region One
One Congress Street, Suite 1100
Boston, MA 02114

RECEIVED

JUN 15 2004

CT STATE PROGRAM UNIT

Re: Request for Information

Dear Ms. Barden:

The Boston and Maine Corporation ("B&M") is in receipt of the Request for Information Pursuant to Section 308 of the Clean Water Act issued by the Environmental Protection Agency ("EPA") in relation to a NPDES permit renewal sought by the Massachusetts Bay Transportation Authority ("MBTA"). After a careful review of its records, the B&M would like to request additional information from the EPA regarding the nature of this request, as well as an extension of time in which to respond.

Quite simply, absent additional information regarding the actual facility for which the MBTA is requesting a renewal of its NPDES permit, the basis for EPA's belief that the B&M is an "owner or operator" of a point source in this instance, how the information sought is relevant to the renewal, as well as more specific requests for information, the B&M is finding it impossible to formulate a response. Accordingly, please provide any additional information that the EPA may have in relation to this request so that the B&M may properly respond.

Thank you for your cooperation. I would appreciate a written response to the request for more information and an extension of time to respond at your earliest convenience.

Sincerely,

Robert B. Culliford
Corporate Counsel

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

Sent To
 David Fink
 Street, Apt. No., or PO Box No.
 High St.
 City, State, Zip
 N. Billerica, MA 01862

PS Form 3800, May 2000

See Reverse for Instructions

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:

David Fink
 Boston + Maine Corporation
 Iron Horse Park
 High Street
 N. Billerica, MA. 01862

5. Received By: (Print Name)

Cory Chamberlain

6. Signature: (Addressee or Agent)

X Cory Chamberlain

I wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

4a. Article Number

7000 1670 0001 9633 9471

4b. Service Type

- | | |
|---|---|
| <input type="checkbox"/> Registered | <input checked="" type="checkbox"/> Certified |
| <input type="checkbox"/> Express Mail | <input type="checkbox"/> Insured |
| <input type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> COD |

7. Date of Delivery

5/28/04

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-98-B-0229

Domestic Return Receipt

Thank you for using Return Receipt Service.

CERTIFIED MAIL
RETURN RECEIPT REQUIRED

David A. Fink, President
 Boston and Maine Corporation
 Iron Horse Park
 High Street
 North Billerica, MA 01862

RE: Request for Information Pursuant to Section 308 of the
 Clean Water Act

Dear Mr. Fink:

EPA is currently reviewing the reissuance of an NPDES permit for MBTA's point source discharge from a stormwater conveyance system at the Boston Engine Terminal facility in Somerville, MA. EPA has reason to believe that portions of the stormwater conveyance system are on property owned by the Boston and Maine Corporation.

Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a), authorizes EPA to require any owner or operator of a point source to provide such information as may be necessary to carry out the objectives of the Clean Water Act. Accordingly, you are hereby required, pursuant to 33 U.S.C. §1318(a), to furnish the information identified in Attachment A **within twenty one (21) calendar days of receipt of this letter.**

Guidance on How to Respond

Please respond separately to each of the questions. The response must include copies of all records and information available to Boston and Maine Corporation referenced in the response.

As part of the response, please complete the enclosed declaration (Attachment B) and provide a cover letter specifying what documentation has been included in the response to answer each question. If the documentation that supports a response to one item duplicates the documentation that supports the response to another item, submit only one copy of the documentation. The submission must be a self-explanatory, complete response that is dated and signed by an authorized company official.

					CONCURRENCES			
SYMBOL	CPE	CPE	CPE	CPE				
SURNAME	Bayden	Pitt	Jordan	Wright				
DATE	5/26/04	5/26/04	5/26/04	5/27/04				

Important Information About This Request and the Response

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully, or to adequately justify any failure to respond, may result in an enforcement action by EPA pursuant to Section 309 of the Clean Water Act, 33 U.S.C. § 1319. This statute permits EPA to seek the imposition of penalties. In addition, any person who knowingly submits false information may be subject to criminal prosecution under 18 U.S.C. § 1001. Boston and Maine Railway Corporation may assert a business confidentiality claim with respect to part, or all, of the information submitted to EPA in the manner described at 40 C.F.R. Part 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent, and by means, of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is submitted to EPA, it may be made available to the public by EPA without further notice to Boston and Maine Corporation.

As indicated above, all requested information must be submitted **within twenty one (21) calendar days of receipt of this letter**. Information submitted pursuant to this Section 308 Information Request shall be sent by certified mail and shall be addressed as follows:

United States Environmental Protection Agency, Region I
Office of Ecosystem Protection
One Congress Street
Suite 1100
Boston, MA 02114
Attn: Michele Barden, CPE

If you have any engineering or legal questions regarding this information request, please contact Ms. Michele Barden or William Walsh-Rogalski at 617-918-1539 or 617-918-1035 respectively.

Sincerely,

Linda Murphy, Director
Office of Ecosystem Protection

cc: Madelyn Morris(DEP)

Attachment A

Information Request

1. Please describe all property currently owned, leased or controlled by Boston and Maine Corporation within one mile of the Boston Engine Terminal (currently known as the Commuter Rail Maintenance Facility) in Somerville, MA.
2. Please provide a map depicting all of the property referred to in question 1, above. The map should be at a scale of 1"=100'.
3. Please provide a description of all drainage features, including above ground and below ground conveyances on the property referred to in question 1.
4. Please indicate on the map provided in response to question 2 all drainage features referenced in question 3.
5. Please provide on the map referenced in question 2 an indication of where rainfall from the property flows and where it discharges into existing drains or existing surface waters. If rainfall flows in more than one direction from the property, indicate what portions of the property drain in what directions.
6. Please describe what if any controls are in place with respect to any discharges from property identified in question 1.
7. Please identify any permits to which stormwater discharges from the properties identified in question 1 are subject.
8. Please provide complete descriptions of and identify on the map provided in response to question 2 all interconnections between Boston and Maine Corporation owned or operated conveyances and conveyances owned or operated by others including, inter alia, Boston, Cambridge, Somerville, MWRA, DCR (formerly MDC, other transportation facilities and other private parties.
9. Please provide any documents creating obligations on the Boston and Maine Corporation to assure on-site or off-site drainage or to provide that other entities have drainage to the Millers or Charles River.

Attachment B

DECLARATION

Complete and Include With Your Response

I declare under penalty of perjury that I am authorized to respond, on behalf of the Boston and Maine Corporation and that the foregoing is a complete, true, and correct response.

David Fink
Boston and Maine Corporation, President

Date

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

Sent To
 Thomas Steiniger, President
 Iron Horse Park
 Guilford Transp. Ind.
 City, State, ZIP+4
 North Billerica MA 01862

PS Form 3800, May 2000

See Reverse for Instructions

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Thomas Steiniger
 Guilford Transportation
 Industries
 Iron Horse Park
 High Street
 North Billerica, MA 01852

4a. Article Number

7000 1470 0001 9433 9464

4b. Service Type

- | | |
|---|---|
| <input type="checkbox"/> Registered | <input checked="" type="checkbox"/> Certified |
| <input type="checkbox"/> Express Mail | <input type="checkbox"/> Insured |
| <input type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> COD |

7. Date of Delivery

5/28/04

5. Received By: (Print Name)

Cory Chamberlain

6. Signature: (Addressee or Agent)

X Cory Chamberlain

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-98-B-0229

Domestic Return Receipt

Thank you for using Return Receipt Service.

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Thomas Steiniger, President
 Guilford Transportation Industries, Inc., Guilford Rail Systems
 Iron Horse Park
 High Street
 North Billerica, MA 01862

RE: Request for Information Pursuant to Section 308 of the
 Clean Water Act

Dear Mr. Steiniger:

EPA is currently reviewing the reissuance of an NPDES permit for MBTA's point source discharge from a stormwater conveyance system at the Boston Engine Terminal facility in Somerville, MA. EPA has reason to believe that portions of the stormwater conveyance system are on property owned by Guilford Transportation Industries and/or Guilford Rail Systems (collectively "Guilford").

Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a), authorizes EPA to require any owner of operator of a point source to provide such information as may be necessary to carry out the objectives of the Clean Water Act. Accordingly, you are hereby required, pursuant to 33 U.S.C. §1318(a), to furnish the information identified in Attachment A **within twenty one (21) calendar days of receipt of this letter.**

Guidance on How to Respond

Please respond separately to each of the questions. The response must include copies of all records and information available to Guilford referenced in the response.

As part of the response, please complete the enclosed declaration (Attachment B) and provide a cover letter specifying what documentation has been included in the response to answer each question. If the documentation that supports a response to one item duplicates the documentation that supports the response to another item, submit only one copy of the documentation. The submission must be a self-explanatory, complete response that is dated and signed by an authorized company official.

			CONCURRENCES					
SYMBOL	CPE	CPB						
SURNAME	Barden	Pitt						
DATE	5/26/04	5/26/04						

Important Information About This Request and the Response

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully, or to adequately justify any failure to respond, may result in an enforcement action by EPA pursuant to Section 309 of the Clean Water Act, 33 U.S.C. § 1319. This statute permits EPA to seek the imposition of penalties. In addition, any person who knowingly submits false information may be subject to criminal prosecution under 18 U.S.C. § 1001. Guilford may assert a business confidentiality claim with respect to part, or all, of the information submitted to EPA in the manner described at 40 C.F.R. Part 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent, and by means, of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is submitted to EPA, it may be made available to the public by EPA without further notice to Guilford.

As indicated above, all requested information must be submitted **within twenty one (21) calendar days of receipt of this letter**. Information submitted pursuant to this Section 308 Information Request shall be sent by certified mail and shall be addressed as follows:

United States Environmental Protection Agency, Region I
Office of Ecosystem Protection
One Congress Street
Suite 1100
Boston, MA 02114
Attn: Michele Barden, CPE

If you have any engineering or legal questions regarding this information request, please contact Ms. Michele Barden or William Walsh-Rogalski at 617-918-1539 or 617-918-1035 respectively.

Sincerely,

Linda Murphy, Director
Office of Ecosystem Protection

cc: Madelyn Morris (DEP)

Attachment A

Information Request

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5. Please provide on the map referenced in question 2 an indication of where rainfall from the property flows and where it discharges into existing drains or existing surface waters. If rainfall flows in more than one direction from the property, indicate what portions of the property drain in what directions.
6. Please describe what if any controls are in place with respect to any discharges from the property identified in question 1.
7. Please identify any permits to which stormwater discharges from the properties identified in question 1 are subject.
8. Please provide complete descriptions of and identify on the map provided in response to question 2 all interconnections between Guilford owned or operated conveyances and conveyances owned or operated by others including, inter alia, Boston, Cambridge, Somerville, MWRA, DCR (formerly MDC, other transportation facilities and other private parties.
9. Provide any documents creating obligations on Guilford to assure on-site or off-site drainage or to provide that other entities have drainage to the Millers or Charles River.

Attachment B

DECLARATION

Complete and Include With Your Response

I declare under penalty of perjury that I am authorized to respond, on behalf of Guilford and that the foregoing is a complete, true, and correct response.

Thomas Steiniger, President
Guilford Transportation Industries, Inc.,
Guilford Rail Systems, President

Date

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Andrew Brennan
MBTA
10 Park Plaza
Boston, MA 02116

2. Article Number
(Transfer from service label)

7000 0600 0028 6674 6941

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X C. Hill

☒ Agent
☐ Addressee

B. Received by (Printed Name)

C. Hill

C. Date of Delivery

1/29/04

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes



Massachusetts Bay Transportation Authority

Mitt Romney
Governor

Kerry Healey
Lt. Governor

Daniel A. Grabauskas
Secretary and MBTA Chairman

Michael H. Mulhern
General Manager

March 19, 2004

Mr. Roger Janson, Director
NPDES Permit Program
Office of Ecosystem Protection
United States Environmental Protection Agency
One Congress Street – Suite 1100
Boston, MA 02114-2023
Attention: Michele Barden

**RE: Request for Information Pursuant to Section 308 of the Clean Water Act
for the Massachusetts Bay Transportation Authority – NPDES Permit MA0003590**

Dear Ms. Barden:

The Massachusetts Bay Transportation Authority (MBTA) and Massachusetts Commuter Railroad Company (MBCR) jointly are requesting an additional six-month extension to submit an updated permit application for NPDES Permit MA0003590. The information required to be collected as supporting documentation for the permit application is extremely time consuming and requires expertise beyond that of our respective staffs. Additionally, the snow cover and frozen conditions that prevailed this winter prevented the timely commencement of field activities. The manholes throughout the conveyance system need to be uncovered and sampling points accessible in order for the fieldwork to be conducted. This letter is a formal request for an additional six-month time extension to prepare the required permit application. If the extension is granted, we are prepared to expedite the fieldwork to the extent possible and work with the EPA to address obstacles to our collecting information sought by the EPA to minimize the likelihood of further delays.

In the interim, the MBTA and MBCR are submitting for your review and consideration preliminary documentation in response to issues raised in your letter dated December 22, 2003:

- A. The MBTA's CRMF/BET discharges only stormwater, which flows through three on-site oil/water separators prior to passing through the Prison Point Bridge oil / water separator (OWS), that ultimately discharge into the Millers River.
- B. Detailed description of the CRMF/BET's current operation.
- C. List of possible pollutants that could be released from the CRMF/ BET operation.
- D. Detailed map of CRMF/BET showing the collection system that discharges to the OWS, locating all discharges on the map. Note that this plan will be updated as information from field investigations become available. The revised plan will be submitted with the completed permit application.
- E. *Technical Memorandum 17: North Terminal Area Supplemental Drainage Study: Chapter 2, November 1990* identifying:
 - i. The existing drainage system;
 - ii. The Cambridge and Somerville streets contributing to the overall flow;
 - iii. The contribution of the MWRA pump station overflow (MWRA CSO-BOS-203).

Michelle Barden, NPDES Permit Program

Office of Ecosystem Protection

United States Environmental Protection Agency

RE: Request for Information Pursuant to Section 308 of the Clean Water Act
for the Massachusetts Bay Transportation Authority – NPDES Permit MA0003590

March 19, 2004

Page 2 of 2

- F. In compliance with the Massachusetts Contingency Plan, the MBTA closed its groundwater remediation plant for the facility in December 2001. At the present time, Guilford Freight Industries has an open 21E remediation activity independent of the MBTA/MBCR activities.
- G. Flow Model Memorandum Report for the North Terminal for the Preliminary Design of Lower Main Drainage Facilities dated July 1995 reflects baseline data for flow quantities.
- H. Latest sampling report from the Prison Point Bridge oil / water separator.
- I. The MBTA and MBCR have not entered into any agreements with owners or operators listed above for the discharges.

The MBTA and MBCR are submitting this documentation in a preliminary effort to complying with Section 308(a) of the Clean Water Act and recognize that there is still work to be done. We look forward to meeting with you and your staff to discuss an equitable distribution of responsibility for permit parameter adherence with all contributors and completion of this permit application process as soon as possible. Mr. Richard Davey, General Counsel for MBCR, will be contacting you to schedule this meeting to discuss the updated permit application and the documents enclosed.

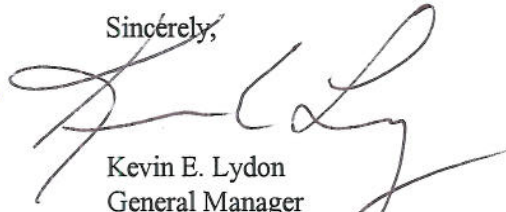
Thank you for your assistance in this matter. If you have any questions, please feel free to contact me at 617-222-3126 or at abrennan@mbta.com.

Sincerely,



Andrew D. Brennan
Director of Environmental Affairs
Massachusetts Bay Transportation Authority

Sincerely,



Kevin E. Lydon
General Manager
Massachusetts Bay Commuter Railroad Company, LLC

Enclosures

cc: A. Barry, MBTA (w/o enclosures)
J. Kearney, MBTA (w/o enclosures)
J. Ray, MBTA (w/o enclosures)
A. Regan, MBTA (w/o enclosures)
R. Davey, MBCR (w/o enclosures)
S. O'Brien, Malcolm Pirnie (w/o enclosures)

Description Of The Operation At CRMF

The Commuter Rail Maintenance Facility (CRMF) previously referred to as Boston Engine Terminal (BET) is owned by the Massachusetts Transportation Authority (MBTA), and is operated by the Massachusetts Bay Commuter Railroad Company (MBCR). The National Railroad Passenger Corporation (Amtrak) operated the facility before July 1, 2003. The facility is located at 70 Rear Third Avenue, Somerville, and Massachusetts. The facility is used for regular maintenance of commuter trains that travel from North Station, Boston, to points north/northwest, and northeast of Boston. Activities at the facility include locomotive and coach inspections, maintenance, fueling, and washing for the MBTA commuter rail system.

The CRMF facility has a primary 2-digit Standard Industrial Code (SIC) number of 40 (Railroad Transportation). The CRMF facility's primary 4 digit SIC is 4011 (Railroads, line-haul operating). CRMF typically operates three shifts per day 7 days per week.

The facility is located in the east side of Somerville, in a highly industrialized area of the city. It is bordered directly to the north and east by the elevated tracks of the Boston – Lowell Commuter Rail Line; further to the east by the Haverhill and Newburyport/Rockport Commuter Rail Lines and Route 93; to the south by the tracks of the Fitchburg Commuter Rail Line and a Guilford Transportation Industries (Guilford) rail yard; and to the west by tracks of CSX Transportation and Guilford and, just beyond these tracks, several commercial and industrial buildings.

The Main Building, where most of the train service and maintenance activities occur, is 380,000 square feet in size and includes the following major Mechanical Department shops and work areas: Truck Repair Shop, Locomotive Repair Shop, Coach Repair Shop, Wheel Truing Shop, Periodic Maintenance and Inspection Shop, Service & Inspection (S&I) Shop, and a Car Wash. In addition, there are several smaller shops inside the building used by the Engineering Department for building maintenance purposes, including electrical, machining, plumbing, and carpentry.

Also part of the Main Building is a large Material Control Warehouse with both indoor and outdoor material storage areas for parts, supplies, and various oils, engine fluids, and detergents. There are thirteen storage tracks leading into the building that can accommodate several trains or individual locomotives and coaches awaiting service or assignment.

The facility property is located on a relatively flat topography, with large areas of impervious surfaces, including roofed buildings, paved roads, and a large paved parking lot. There are also numerous train tracks covered with ballast stone. Surface drainage across much of the site flows to catch basins or "bee-hive" track drains that discharge to the facility storm drainage system. This system ultimately conveys stormwater to the Prison Point Bridge Oil/Water Separator (PPB-OWS). The PPB-OWS, in turn, discharges to the Miller's River and is regulated by a discharge permit held by MBTA. Stormwater that falls in the track areas generally percolates into the ground, except where locomotive oil collection (drip) pans are present.

There are several sections of drip pans situated along tracks in Yard 14 and along Tracks 7, 8, 9, and 10 on the east and west sides of the Locomotive Repair Shop for

locomotives awaiting maintenance or assignment. All of the locomotives contain fluids such as diesel fuel, lubricating oil, engine oil, hydraulic oil, antifreeze, and engine coolant that could potentially leak. Also locomotive brake testing results in the release of sand into these drip pans. These drip pans drain stormwater and incidental leaks and drips from locomotives to one of three OWSs at the facility. The Yard 14 OWS has a capacity of 20,000 gallons with a separate 2,000-gallon waste oil UST. The OWSs located on the east and west sides of the Main Building have capacities of 12,000 and 8,000 gallons, respectively and they each have a separate 500-gallon waste oil UST.

All of these OWSs discharge to the facility storm drainage system, and ultimately to the PPB-OWS.

Located in the northwest section of the property is a wastewater treatment facility designed to treat oil-contaminated wastewater. The facility is capable of treating 11,000 gallons per day prior to discharging to the Massachusetts Water Resource Authority (MWRA) under Sewer Use Discharge Permit held by the MBCR.

The outdoor portion of the Material Control Warehouse is a fenced area where some drummed materials are stored. The products kept in this area typically include antifreeze, denatured alcohol, solvent, caustic soda, kerosene, toilet antifreeze, and soap, all stored in 55-gallon drums. Most of the drums are stored on spill containment racks. The approximate fluid storage in the area is 2,000 gallons, of which approximately 400 gallons are petroleum products (kerosene).

The concrete containment structures for the Aboveground Storage tanks have drainage valves for accumulated stormwater this valve is in the closed position. The concrete containment structure is visually inspected monthly and any accumulated stormwater is drained to a stormwater drainage system after it determined not to be contaminated with petroleum products. If the accumulated stormwater in any one of the containment structures is determined to be contaminated with petroleum products or other pollutants the stormwater will be removed and disposed of by the emergency response contractor. If the stormwater is contaminated an inspection of the tanks, equipment and structures will be conducted to determine the source and correct the situation.

List of Potential Pollutants for the Operations at CRMF

The potential for storm water pollution at this facility under current normal operating conditions is low given the limited exposure of materials and the best management practices that are in place at the facility as described in the Description of the Operation at CRMF. However, the potential for storm water pollution or a release at this facility does exist from: the transfer of materials to storage containers; oil and oily water from the clean-out of the oil/water separator; spills of non-PCB dielectric fluid during transformer servicing; gasoline, oil, fuel oil deliveries and other motor vehicle fluids present in the drainage areas at the facility, transfer of byproducts off-site or a materials spill/release event.

The potential pollutants present at the facility and their sources are summarized in the following table:

Potential Pollutants	Source
Diesel Fuel, motor oil, and other motor vehicle fluids	Diesel oil unloading Locomotive fueling
Lubricating, hydraulic, motor and other oils	Locomotive layover fluid leaks Drum/container handling and storage Material transfer
Waste oil	Locomotive layover fluid leaks Drum/container handling and storage Material transfer
Antifreeze and other locomotive fluids	Locomotive layover fluid leaks Container handling and storage Material transfer
Traction sand	Locomotive brake testing Material Transfer
Solid waste refuse	Loading and unloading of dumpsters
Gasoline, motor oil, and other motor vehicle fluids	Vehicular traffic
Antifreeze, denatured alcohol, solvent, caustic soda, kerosene, toilet antifreeze, and soap	Material transfer
Oil and oily wastewater	Clean-out of oil/water separator
Dielectric oil	Transformer servicing



111 Herrick Street, Merrimack, NH 03054
TEL: (603) 424-2022 · FAX: (603) 429-8496

February 19, 2004

ANALYTICAL TEST RESULTS

Joe Malloy
Earth Tech
70R Third Ave
Somerville, MA 02143
TEL: (617) 623-2174
FAX: (617) 623-2538

Subject: Prison Point O.W.S.

Workorder No.: 0402034

Dear Joe Malloy:

AMRO Environmental Laboratories Corp. received 4 samples on 2/5/04 for the analyses presented in the following report.

AMRO operates a Quality Assurance Program which meets or exceeds National Environmental Laboratory Accreditation Conference (NELAC), state, and EPA requirements.

The enclosed Sample Receipt Checklist details the condition of your sample(s) upon receipt. Please be advised that any unused sample volume and sample extracts will be stored for a period of 60 days from sample receipt date (90 days for samples from New York). After this time, AMRO will properly dispose of the remaining sample(s). If you require further analysis, or need the samples held for a longer period, please contact us immediately.

This report consists of a total of 7 pages. This letter is an integral part of your data report. All results in this project relate only to the sample(s) as received by the laboratory and documented in the Chain-of-Custody. This report shall not be reproduced except in full, without the written approval of the laboratory. If you have any questions regarding this project in the future, please refer to the Workorder Number above.

Sincerely,

Maria N. Borduz
President

State Certifications: NH (NELAC): 1001, MA: M-NH012, CT: PH-0758, NY: 11278 (NELAC), ME: NH012 and 1001, NJ: NH125, RI: 00105, U.S. Army Corps of Engineers (USACE), Naval Facilities Engineering Service Center (NFESC).

Hard copy of the State Certification is available upon request.

AMRO Environmental Laboratories Corp.

Date: 19-Feb-04

CLIENT: Earth Tech
Project: Prison Point O.W.S.
Lab Order: 0402034
Date Received: 2/5/04

Work Order Sample Summary

Lab Sample ID	Client Sample ID	Collection Date
0402034-01A	1, 2, 3, 4	2/4/04
0402034-02A	5, 6	2/4/04
0402034-03A	7, 8	2/4/04
0402034-04A	9, 10	2/4/04

AMRO Environmental Laboratories Corp.

Date: 19-Feb-04

CLIENT: Earth Tech
Project: Prison Point O.W.S.**Lab Order:** 0402034**Lab ID:** 0402034-01**Collection Date:** 2/4/04**Client Sample ID:** 1, 2, 3, 4**Matrix:** SURFACE WATER

Analyses	Result	RL	Qual	Units	DF	Date Analyzed
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OIL & GREASE, EPA METHOD 1664**E1664**

Analyst: GM

Oil & Grease, Total Recoverable	ND	5.0		mg/L	1	2/18/04
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Lab ID: 0402034-02**Collection Date:** 2/4/04**Client Sample ID:** 5, 6**Matrix:** SURFACE WATER

Analyses	Result	RL	Qual	Units	DF	Date Analyzed
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OIL & GREASE, EPA METHOD 1664**E1664**

Analyst: GM

Oil & Grease, Total Recoverable	ND	5.0		mg/L	1	2/18/04
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Lab ID: 0402034-03**Collection Date:** 2/4/04**Client Sample ID:** 7, 8**Matrix:** SURFACE WATER

Analyses	Result	RL	Qual	Units	DF	Date Analyzed
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OIL & GREASE, EPA METHOD 1664**E1664**

Analyst: GM

Oil & Grease, Total Recoverable	ND	5.0		mg/L	1	2/18/04
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Lab ID: 0402034-04**Collection Date:** 2/4/04**Client Sample ID:** 9, 10**Matrix:** SURFACE WATER

Analyses	Result	RL	Qual	Units	DF	Date Analyzed
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OIL & GREASE, EPA METHOD 1664**E1664**

Analyst: GM

Oil & Grease, Total Recoverable	ND	5.0		mg/L	1	2/18/04
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Lab Order: 0402034
Client: Earth Tech
Project: Prison Point O.W.S.

DATES REPORT

Sample ID	Client Sample ID	Collection Date	Matrix	Analytical Test Name		Analysis Date	
				Preparatory Test Name	Prep Date	Batch ID	TCLP Date
0402034-01A	1, 2, 3, 4	2/4/04	Surface Water	Oil & Grease, EPA 1664		2/18/04 R22559	
0402034-02A	5, 6			Oil & Grease, EPA 1664		2/18/04 R22559	
0402034-03A	7, 8			Oil & Grease, EPA 1664		2/18/04 R22559	
0402034-04A	9, 10			Oil & Grease, EPA 1664		2/18/04 R22559	

SAMPLE RECEIPT CHECKLIST

111 Herrick Street
Merrimack, NH 03054
(603) 424-2022

Client: EARTH TECH
Project Name: PRISON POINT C.W.S.
Ship via: (circle one) Fed Ex., UPS AMRO Courier
Hand Del., Other Courier, Other:

AMRO ID: 0402034
Date Rec.: 2-5-04
Date Due: 2-12-04

Items to be Checked Upon Receipt

1. Army Samples received in individual plastic bags?
2. Custody Seals present?
3. Custody Seals Intact?
4. Air Bill included in folder if received?
5. Is COC included with samples?
6. Is COC signed and dated by client?
7. Laboratory receipt temperature. TEMP = 5°
Samples rec. with ice ☒ ice packs ☐ neither ☐
8. Were samples received the same day they were sampled?
Is client temperature $4^{\circ}\text{C} \pm 2^{\circ}\text{C}$?
If no obtain authorization from the client for the analyses.
Client authorization from: _____ Date: _____ Obtained by: _____
9. Is the COC filled out correctly and completely?
10. Does the info on the COC match the samples?
11. Were samples rec. within holding time?
12. Were all samples properly labeled?
13. Were all samples properly preserved?
14. Were proper sample containers used?
15. Were all samples received intact? (none broken or leaking)
16. Were VOA vials rec. with no air bubbles?
17. Were the sample volumes sufficient for requested analysis?
18. Were all samples received?

Yes	No	NA	Comments
		<input checked="" type="checkbox"/>	
		<input checked="" type="checkbox"/>	
		<input checked="" type="checkbox"/>	
		<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>			
<input checked="" type="checkbox"/>			
	<input checked="" type="checkbox"/>		
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		<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>			
<input checked="" type="checkbox"/>			

19. VPH and VOA Soils only:

Sampling Method VPH (circle one): M=Methanol, E=EnCore (air-tight container)

Sampling Method VOA (circle one): M=Methanol, SB=Sodium Bisulfate, E=EnCore, B=Bulk

If M or SB:

Does preservative cover the soil?

If NO then client must be faxed.

Does preservation level come close to the fill line on the vial?

If NO then client must be faxed.

Were vials provided by AMRO?

If NO then weights MUST be obtained from client

Was dry weight aliquot provided?

If NO then fax client and inform the VOA lab ASAP.

20. Subcontracted Samples:

What samples sent:

Where sent:

Date:

Analysis:

TAT:

		<input checked="" type="checkbox"/>	

21. Information entered into:

Internal Tracking Log?

Dry Weight Log?

Client Log?

Composite Log?

Filtration Log?

<input checked="" type="checkbox"/>			
		<input checked="" type="checkbox"/>	
		<input checked="" type="checkbox"/>	
		<input checked="" type="checkbox"/>	
		<input checked="" type="checkbox"/>	

Received By: GG

Date: 2-5-04

Logged in By: CS

Date: 2-6-04

Labeled By: CC

Date: 2-6-04

Checked By: CS

Date: 2-9-04

NA= Not Applicable

qc/qcmemos/forms/samplerec Rev.18 06/00

CHAIN-OF-CUSTODY RECORD

049052

Project No.: _____		Project Name: <u>Prison Point O.W.S.</u> <u>(EARTH TECH)</u>		Project Manager: <u>JOE MALLOY</u>		Samplers (Signature): <u>Paul S. Haggart</u>		AMRO Project No.: <u>0402034</u>		
Project State: _____		Date/Time Sampled: _____		Matrix: A= Air S= Soil GW= Ground W. WW= Waste W. DW= Drinking W. O= Oil Other= Specify _____		Total # of Cont. & Size: _____		Analysis Required: _____		
Sample ID	Date/Time Sampled	Matrix	Total # of Cont. & Size	Comp	Grab	Analysis Required				Remarks
1, 2, 3, 4	02-04-04 1200	Surface water	4-1L		X	X				2 for Int QA/QC
5, 6	02-04-04 1215	"	2-1L		X	X				
7, 8	02-04-04 1230	"	2-1L		X	X				
9, 10	02-04-04 1245	"	2-1L		X	X				
temp blank	—	—	—	—	—	—				
Preservative: CI-HCl, MeOH, N-HNO3, S-H2SO4, Na-NaOH, O- Other _____				S						
Container Type: P- Plastic, G-Glass, V-Vial, T- Teflon, O-Other _____				G						
Send Results To: <u>EARTH TECH</u> <u>70B 3rd Ave</u> <u>Somerville MA</u> <u>02143</u>		FAX No.: <u>617-623-2538</u>		Seal Intact? Yes No N/A		P.O. No: _____		GW-1* _____ GW-2 _____ GW-3 _____		
Relinquished By: <u>Paul S. Haggart</u>		Date/ Time: <u>02-05-04</u> <u>10:15</u>		Received By: <u>W.H. Davis</u>		MCP Level Needed: _____		* = May require additional cost		
Please print clearly, legibly and completely. Samples can not be logged in and the turnaround time clock will not start until any ambiguities are resolved.		NOTES: Preservatives, Special reporting limits, Known Contamination, etc;		AMRO policy requires notification in writing to the laboratory in cases where the samples were collected from highly contaminated sites.		PRIORITY TURNAROUND TIME AUTHORIZATION Before submitting samples for expedited TAT, you must have requested in advance and received a coded AUTHORIZATION NUMBER. Samples arriving after 12:00 noon will be tracked and billed as received on the following day. AUTHORIZATION No. _____ BY: _____				
White: Lab Copy		Yellow: Accompanies Report		Pink: Client Copy		SHEET _____		OF _____		